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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/611,905      | 07/07/2000  | Bertram V. Burke     | EPC-8C              | 7723             |

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Leo Stanger  
382 Springfield Avenue  
Summit, NJ 07901

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| EXAMINER |
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SUBRAMANIAN, NARAYANSWAMY

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| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/611,905

**Applicant(s)**

BURKE, BERTRAM V.

**Examiner**

Narayanswamy Subramanian

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-31, 41-53, 55, 56 and 58-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-31, 41-53, 55, 56 and 58-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This is in response to Applicant's communication dated July 7, 2005. The examiner acknowledges election of claims 21-31, 41-53, 55, 56, and 58-66 in response to restriction/election requirement. Applicant is respectfully requested to cancel all the withdrawn non-elected claims in response to this office action. Claims 21-31, 41-53, 55, 56, and 58-66 are pending in this application and have been examined. The rejections are stated below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-31, 41-53, 55, 56, and 58-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigari (US Patent 5,010,485).

With reference to claim 21, Bigari teaches a computerized method of modifying data in a payor account from a financial transaction between a payor and a payee (See Bigari Abstract), comprising: entering data that identifies a credit or debit amount into a station controlled by the payee (See Bigari Abstract, claim 23 Column 16 lines 11-16); transmitting the data that identifies the credit or debit amount to a separate network controlled by other than the payee (See Bigari Abstract, claim 23 Column 16 lines 18-21); within the separate network, modifying the data associated with the payor account as a credit or debit based at least partially on the credit or debit amount (See Bigari Abstract, claim 23 Column 16 lines 41-44); transferring any data representing a debit or credit back to the payee (See Bigari Abstract, claim 28).

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With reference to claim 41, Bigari teaches a computerized method of modifying data in a payor account using a point of sale terminal of a merchant (See Bigari Column 6 lines 5-25), said method comprising: entering data that identifies a credit or debit amount into a point of sale terminal that receives data concerning a payor's transaction with the merchant, said point of sale terminal being controlled by the merchant (See Bigari Abstract, claim 23 Column 16 lines 11-16); transmitting the data that identifies the credit or debit amount to a separate network (See Bigari Abstract, claim 23 Column 16 lines 18-21); within the separate network, modifying the data associated with the payor account as a credit or debit (See Bigari Abstract, claim 23 Column 16 lines 41-44); and transferring any data representing a debit or credit back to the merchant (See Bigari Abstract, claim 28).

With reference to claim 22, Bigari teaches the step wherein said entering of data occurs at a point of sale (See Bigari Column 10 lines 11-19).

With reference to claims 23 and 43, the step wherein the transmitting of data is performed after each entering step is old and well known in the art. This step helps a user correct errors before proceeding to the next step.

With reference to claims 24 and 44, Bigari teaches the step wherein the transmitting of data is performed after a plurality of entering steps (See Bigari claim 36).

With reference to claims 25 and 45, Bigari teaches the step wherein the payor account is one of a plurality of payor accounts, and wherein the step of modifying the data includes selecting the one or more payor accounts based on instructions that are entered in the system by said payor and that accompany the entering of data (See Bigari claim 36, family of charge cards implies plurality of accounts)

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With reference to claims 26 and 46, Bigari teaches the step wherein said transmitting of the data is performed by the payee, and the modifying and transferring are performed outside the control of the payee (See Bigari Column 2 lines 42-52)

With reference to claims 27 and 47, Bigari teaches the step wherein said entering and transmitting are performed by the payor, and the modifying and transferring are performed by a third party other than the payee (See Bigari Abstract).

With reference to claims 28 and 48, Bigari teaches the step wherein the separate station, controlled by other than the payee, handles both data and cash (See Bigari Column 2 lines 32-34).

With reference to claims 29 and 49, Bigari teaches the step wherein entering the data includes first entering data that identifies a credit amount into a payor account at the station controlled by the payee; at a later time entering data that identifies a debit amount into a station controlled by the payee (See Bigari Column 2 lines 58-67).

With reference to claims 30 and 50, Bigari teaches the step wherein said payor account is an existing payor account (See Bigari Column 1 lines 24-29).

With reference to claims 31 and 51, Bigari teaches the step wherein entering the data into a payor account occurs at multiple unrelated payees with multiple payee accounts (See Bigari Column 2 lines 13-19).

With reference to claim 42, Bigari teaches the step further comprising the step of a second payor entering a tendered amount into the point of sale terminal of a network controlled by the merchant, said amount being greater than an amount due the merchant for a sale; subtracting any amount due the merchant from at least a portion of the tendered amount of the

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second payor to obtain a second additional amount; transmitting any second additional amount to the separate network and, within the separate network crediting the additional amount into a payor account of the second payor (See Bigari claim 36, payor is included to include a second payor also).

With reference to claim 52, Bigari teaches the step wherein any amount due is zero so that the additional amount is equal to the tendered amount and the additional amount is transmitted to the separate station and so that the payor may add to a payor account without making a payment to the merchant (Inherent in Bigari's disclosure; a cancelled purchase or no purchase implies zero amount due).

With reference to claim 53 the step of printing a receipt after a transaction is old and well known. For instance after an ATM transaction, the receipt provides information about the transaction amount and the balance in the account.

With reference to claims 55 and 56, Bigari teaches the step wherein the step of entering includes specifying whether the modifying of data in a payor account is a credit or debit (See Bigari Abstract and Column 1 line 65 – Column 2 line 5).

With reference to claims 58 and 59, Bigari teaches the step wherein the step of entering includes specifying that the modifying of data in a payor account is a debit (See Bigari Abstract and Column 1 line 65 – Column 2 line 5).

With reference to claim 60, Bigari teaches the step wherein the step of modifying the data associated with the payor account includes the account being a default account (Inherent in Bigari's disclosure; an account read from a credit card is a default account).

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With reference to claim 61, Bigari teaches the step including identifying the payor with a PIN number (See Bigari Column 1 line 65 – Column 2 line 5, PIN number is well known in debit card usage).

With reference to claims 62-63, Bigari teaches the step wherein entering includes entering an identifier that identifies the payor electromagnetically using a sensor responsive to electromagnetic radiation (See Bigari Column 7 lines 1-9) wherein said sensor uses a bar code reader (old and well known)

With reference to claims 64 and 65, Bigari teaches the step wherein the step of entering data includes reading magnetic signals with a sensor responsive to magnetic signals (See Bigari Column 7 lines 1-9) and wherein the step of entering a data includes reading magnetic signals from a smart card (See Bigari Column 1 line 30 – Column 2 line 5 and Column 4 lines 1-5; charge cards are interpreted to include a smart card).

With reference to claim 66, Bigari teaches the step wherein entering data includes reading a credit or debit card (See Bigari Column 1 line 30 – Column 2 line 5 and Column 4 lines 1-5).

#### ***Response to Arguments***

4. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Hovakimian (US Patent 5,466,919) (November 14, 1995) Credit/Charge Card System Enabling Purchasers to Contribute to Selected Charities

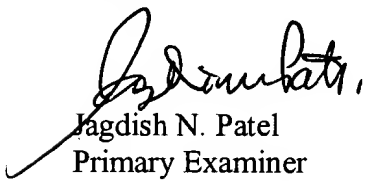
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(b) Zervides et al (US Patent 6,052,674) (April 18, 2000) Electronic Invoicing and Collection System and Method with Charity Donations

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian  
August 29, 2005

  
Jagdish N. Patel  
Primary Examiner